

TRADEMARK
Attorney Docket No.: RDP-701

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of Miss G-String International LLC)

Serial No. 77/753,000

Published December 7, 2010

Filed: June 5, 2009

in Class 041

For: "MISS G-STRING INTERNATIONAL"

Filed: July 10, 2012

For: "MISS G-STRING INTERNATIONAL"

THE WORLD'S PAGEANTS, LLC

Opposer,

-Against-

MISS G-STRING INTERNATIONAL LLC

July 10, 2012

Applicant.

COMMISSIONER OF TRADEMARKS
UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S AMENDED ANSWER TO OPPOSER'S
NOTICE OF OPPOSITION**



07-16-2012

Pursuant to the Board's Order, MISS G-STRING INTERNATIONAL LLC ("Applicant") hereby submits this Amended Answer to the Notice of Opposition filed by THE WORLD'S PAGEANTS, LLC's ("Opposer"), which alleges a claim under Section 2(d) of the Trademark Act.

1. DENIED.
2. DENIED that Opposer is the assignee of U.S. Registration No. 2,037,202.
3. THERE IS NO PARAGRAPH 3 IN THE OPPOSITION.
4. DENIED.
5. ADMITTED that on June 5, 2009, Applicant filed an application for the mark "MISS G-STRING INTERNATIONAL" for services as follows: "Entertainment services in the nature of conducting beauty pageants and talent contests," in International Class 041.
6. DENIED that there is any similarity of Applicant's "MISS G-STRING INTERNATIONAL" mark to Opposer's mark.
7. DENIED that Applicant's mark so resembles Opposer's mark as to be likely to cause confusion or to cause mistake or to deceive.
8. DENIED.
9. DENIED.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

FOR AND AS A FIRST AFFIRMATIVE DEFENSE the Applicant states that the Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the Opposition.

SECOND AFFIRMATIVE DEFENSE

FOR AND AS A SECOND AFFIRMATIVE DEFENSE the terms "MISS NUDE INTERNATIONAL" and "MISS G-STRING INTERNATIONAL," to the extent they use the terms "MISS" and "INTERNATIONAL," are highly diluted as a trademark formative, and hence weak, and Opposer's purported rights extend no further than to the specific marks which Opposer alleges as it owns, none of which are the same as or confusingly similar to Applicant's marks in terms of connotation, appearance and/or pronunciation.

THIRD AFFIRMATIVE DEFENSE

FOR AND AS A THIRD AFFIRMATIVE DEFENSE Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be used by Opposer or with the Opposer's authorization or approval. To be abundantly clear, the marks "MISS G-STRING INTERNATIONAL" and "MISS NUDE INTERNATIONAL" are not confusingly similar. Factoring the scores of marks beginning with "Miss" and ending in "International," the concepts of a "G-String" and being "Nude" are mutually exclusive and irreconcilable. A woman's "G-String" undergarment is clothed; "NUDE" connotes a complete lack of any clothing, totally.

FOURTH AFFIRMATIVE DEFENSE

FOR AND AS A FOURTH AFFIRMATIVE DEFENSE Applicant's mark, in its entirety, is sufficiently and distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods. The description of the marks "MISS NUDE INTERNATIONAL," is described as: "typed drawing." The description of the mark for "MISS NUDE INTERNATIONAL" is described as "the color(s) white, yellow gold, pink and black is/are claimed as a feature of the mark. The mark consists of the stylized wording 'MISS G-STRING INTERNATIONAL' with the word 'G-STRING' in yellow gold. The word 'MISS' in white is above the word 'G-STRING' and the word 'INTERNATIONAL' in white is below the word 'G-STRING.' All of the wording is

outlined in black. All of the words are superimposed upon a woman's pink undergarment."

FIFTH AFFIRMATIVE DEFENSE

FOR AND AS A FIFTH AFFIRMATIVE DEFENSE Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer. As set forth above, the concepts of a "G-String" and being "Nude" are mutually exclusive and irreconcilable. A woman's "G-String" undergarment is clothed; "NUDE" connotes a complete lack of any clothing, totally. Any claim that there is a likelihood of confusion between "NUDE" and "G-String" under Section 2(d) is without merit. In finding a likelihood of confusion between marks, the board considers the similarity of the marks, goods and services, and similarity of trade channels of the goods and services. Even identical names could be validly registered as trademarks without any risk of confusion so long as they are for different goods and services, as identified in the Applicant's application and registrant's registration.¹ Indeed, there is no evidence of a plausibly conceivable relationship between "NUDE" and "G-String". Additionally, there is no complementary relationship between the two marks. The dissimilarities between these marks and respective relationships with their relevant markets are substantial enough to ensure there will be no likelihood of confusion within the consuming public.

SIXTH AFFIRMATIVE DEFENSE

¹ *Opus One*, 60 USPQ2d at 1812 citing *Canadian Imperial Bank of Commerce v. Wells Fargo Bank, N.A.*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987).

FOR A SIXTH AFFIRMATIVE DEFENSE to all causes of action in the Opposition, the Applicant states that Opposer does not have standing to oppose the mark "MISS G-STRING INTERNATIONAL". Opposer failed to establish its ownership of the mark "MISS NUDE INTERNATIONAL" at the time of filing its Opposition in compliance with 37 CFR 3.73 (b).

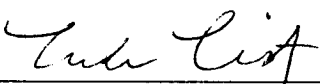
SEVENTH AFFIRMATIVE DEFENSE

FOR AND AS A SEVENTH AFFIRMATIVE DEFENSE Opposer is barred from recovery, if any, by unclean hands. There is no basis for the allegations of confusion and the Opposition is solely intended to prevent Applicant from engaging in a lawful business enterprise.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that this opposition proceeding being dismissed, with prejudice.

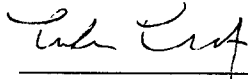
Respectfully Submitted: MISS G-STRING INTERNATIONAL LLC	

By:  Dated: July 10, 2012
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION has been served on Thomas T. Aquilla, Esq., domestic representative of THE WORLDS PAGEANTS LLC by mailing said copy on July 10, 2012, via First Class Mail, postage prepaid to:

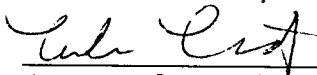
Thomas T. Aquilla, Esq.
221 Coe Hill Road
Center Harbor, New Hampshire, 03226



Attorney for Applicant
Signed July 10, 2012

Designation of Domestic Representative

Attorney Luke Lirot, Esq., whose postal address is 2240 Belleair Rd., Suite 190, Clearwater, FL 33764, is hereby, designated MISS G-STRING INTERNATIONAL, LLC's representative upon whom notice or process in this proceeding may be served.



Attorney for Applicant
Signed July 10, 2012